

**REMARKS****Specification Amendment**

The specification has been amended to correct a minor error. Specifically, the last line of paragraph 0010 of the published specification previously stated: “The latter [i.e., the peripheral stones] are also held firmly in their positions by a slot formed on the inside of the perimeter of the second ring”. This was incorrect. As clearly shown in Figure 4, the peripheral stones are held in place on one side by the T-shaped member of the second ring (6), and on the other side by the slot on the inside of the first ring (5). Indeed, in paragraph 0026 of the published specification, this slot is correctly described as being located on the inside of the first ring. Thus this amendment adds no new matter, since the correct location of the slot is clearly shown in Figure 4 and described in paragraph 0026 of the original application.

**Claim Objections – 35 U.S.C. § 112**

Claim 17 has been amended to address the indefiniteness objections. Specifically, the simulated bezel facet of a brilliant-cut stone has been further defined, for clarity, as a diamond-shaped facet comprised of the center stone crown facet and the peripheral stone facet positioned together.

This added language is supported in Applicant’s original specification and drawings – please see paragraph 0029 of the published specification; Figure 3 (the crown facet is part 14 and the peripheral stone facet is part 13, and together they form the diamond-shaped bezel facet); and Figure 7 (this shows the brilliant-cut stone which is being simulated by the invention, and a bezel

facet thereof is indicated). In addition, the phrase “the bezel facets” has been replaced by “a bezel facet”, in order to provide proper antecedence.

**Rejection of Claims 1, 4, and 17-19 – 35 U.S.C. § 103 – Leveridge FR ‘940, in view of Ramot US ‘265 and Monnier US ‘869**

Claim 1 has been amended to add that the T-shaped shoulder extends continuously around the circumference of the second ring. This amended language is supported in Applicant’s original specification and drawings. Please see paragraph 0010 of the published specification – “The second ring comes to a T-shaped shoulder on its top edge”, and please also see Figure 3 and Figure 4 (cross-sectional view).

Claim 1 has also been amended to add that the visible portion of each peripheral stone is divided into three triangular facets. This amendment is supported in Applicant’s original drawings – please see Figures 1, 3 and 6a.

Each of the above amendments defines over the proposed combination of Leveridge, Ramot, and Monnier. Since none of these three references disclose a T-shaped shoulder extending continuously around the circumference of the second ring, and none of these references disclose that each peripheral stone is divided into three triangular facets, no combination of the references would meet Claim 1 as amended.

Nor would it be obvious to modify Leveridge to incorporate these features, because doing so would markedly change the physical structure of Leveridge. His second ring would have to be

radically revamped from its current structure which just has posts at the four corners of the second ring. In addition, the visible portion of his peripheral stones would have to be cut in a distinctly different, non-obvious way that would not match the rest of his structure.

Finally, minor changes have been made to Claim 1 to correct the location of the slot as being on the first ring, not the second ring (please see Specification Amendments discussion above); and to make the spelling of “jewelry” in the Claim 1 preamble consistent with the spelling in the other claims.

#### **DEPENDENT CLAIMS**

The other claims in the application depend from independent Claim 1, and since amended Claim 1 is patentable over the prior art as discussed above, the dependent claims are patentable as well for the same reasons.

#### **CONCLUSION**

For all of the above reasons, Applicant submits that the specification, drawings, and claims are now in proper form, and that the claims all define patentably over the prior art. Therefore Applicant submits that this application is now in condition for allowance, which action they respectfully solicit.

Respectfully,

/John A. Galbreath/  
John A. Galbreath, Reg. # 46,718  
Galbreath Law Offices, P.C.  
2516 Chestnut Woods Court  
Reisterstown, MD 21136  
Tel. (410) 628-7770

**Certificate of Electronic Transmission:** I certify that on the date below, this document and referenced attachments, if any, was submitted electronically to the U.S. Patent Office via its online filing system.

1 May 2009

/John A. Galbreath/  
John A. Galbreath, Reg. # 46,718